Mr. Aſgill's Caſe.

IN the Interval of Privilege (in *June* laſt) Mr. *Aſgill* (by Procurement of *John Rice*, and *Benſon* his Attorny) was arreſted in an Action of Six Thouſand Eight Hundred Pounds, at the Suit of *Rice* (as the Bailiffs ſaid) but on view of the Proceſs he found it to be at the Suit of one Mr. *Holland*; to whom Mr. *Aſgill*, about Fifteen Years ſince, gave a Bond of that Penalty (with Warrant for Judgment) and againſt which Mr. *Aſgill* hath Right to be reliev'd (unleſs *Holland* will perjure himſelf.) But being a great Penalty, *Rice* hath been treating with *Holland* for buying or borrowing it.

Under this Arreſt Mr. *Aſgill* was detain'd till another Action came againſt him, at the Suit of Mr. *Tayler*, and then he was carry'd to the *Gatehouſe*, charg'd with *Tayler*'s Action only, there being an Irregularity in the Arreſt at *Holland*'s Suit.

Tayler ſoon diſcharg'd him, but (in the Interim) *Benſon* charg'd him in Execution with *Holland*'s Judgment, and another Judgment of Three Thouſand Pounds, at the Suit of *Matthews* and *Wetton*, in whoſe Names *Rice* had purchas'd of *Aſgill* Lands in *Ireland*, and had *Aſgill*'s Bond (with Warrant for Judgment) for performance of Covenants, and had before arreſted *Aſgill* upon the Bond; to which *Aſgill* gave Bail, and iſſue being join'd, *Rice*'s Attorny (after three Notices of Trial) drop'd the Action, and executed the Judgment.

Aſgill thus confin'd (and hearing that *Rice* was going off) arreſted him in an Action of Covenant for Three Thouſand Pounds (as Leſſee of Lands in *Ireland*, of which *Aſgill* had the Title of the Leſſor.) To which *Rice* (with Mr. *Hungerford* his Council, and *Benſon* his Attorny) gave a Bail-Bond to the Sheriff, and then ſummon'd *Aſgill*'s Attorny to accept a common Appearance.

Upon this *Aſgill* (by *Habeas Corpus*) remov'd to the *Fleet*, that he might attend the Summons by a Day-Rule: which the *Warden* is adviſ'd is not ſafe for him to do, leſt he ſubject himſelf to a Breach of Privilege, by returning Mr. *Aſgill* into Cuſtody, but is ready to deliver him to the Commands of the Houſe.

Till which Mr. *Aſgill* remains under a double Diſability.

I. *He lies detain'd from his Right to Liberty, as a Member, becauſe he is a Priſoner.*

II. *He muſt not be allow'd his Right to a Rule, as a Priſoner, becauſe he is a Member.*

In a Parliament 33 *H.* 8. *Ferrers* (a Member) was taken out of Execution by the Serjeant at Arms; and the King, Lords and Judges commended the Commons for doing it.

In a Parliament (*Gulielmi* 3.) *Arnold* was elected and return'd a Burgeſs, (while under execution) and was diſcharg'd by the Houſe. And that the Plaintiffs may not (by this Privilege) loſe their Debts, the Statute of *J.* 1. gives them new Executions.